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EXAMINER

GAUTHIER, GERALD

ART UNIT

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2645

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/164,807	CASTAGNA, WILLIAM D.
	Examiner	Art Unit
	Gerald Gauthier	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-31 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                    6) Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 5, 9-11, 24-27, 29 and 30** are rejected under 35 U.S.C. 102(b) as being anticipated by Brunson U. S. Patent No. 4,996,704.

Regarding **claim 1**, Brunson teaches a method of personalizing voice messages to be used by a voice mail system (see column 2, lines 31-37) in interacting with a user based on information provided by the user in an interactive communication between the voice mail system and the user comprising the steps of:

creating a plurality of sets of recorded messages according to distinct personalities for interacting with the voice mail system (see column 6, lines 21-31) [The steps of creating personalized messages]; and

selecting a recorded message from the plurality of sets of recorded messages based on interactive inquiries between the user and the voice mail system (see column 7, lines 5-14) [The steps of retrieving personalized messages].

Regarding **claims 2 and 27**, Brunson teaches a method, further comprising the step of personalizing the selected recorded message responsive to the information provided by the user (see column 6, lines 14-21).

Regarding **claim 5**, Brunson teaches a method, wherein the selecting step comprises:

playing a sample introduction from a plurality of the sets of recorded message while waiting for a selection entry from the user (see column 5, lines 62-66);  
affecting a recorded message responsive to the selection entry made by the user (see column 5, line 66 to column 6, line 3); and  
affecting a recorded message based on a previous selection if no selection entry is made by the user (see column 6, lines 14-20).

Regarding **claims 9 and 29**, Brunson teaches a method, wherein the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number using ANI information contained in data received by the voice mail system (see column 2, lines 45-56).

Regarding **claims 10 and 30**, Brunson teaches a method, wherein the selecting step comprises selecting a pre-determined recorded message based on identification of a calling number using Caller ID information (see column 2, lines 45-56).

Regarding **claim 11**, Brunson teaches a method, wherein the selecting step comprises selecting a recorded message for a person associated with an entry in an address book (see column 6, lines 9-20).

Regarding **claim 24**, Brunson teaches a method, wherein the user is a subscriber of the voice mail system (see column 3, lines 10-15).

Regarding **claim 25**, Brunson teaches a method, wherein the user is an outside caller (see column 7, lines 14-18).

Regarding **claim 26**, Brunson teaches an apparatus for personalizing voice messages to be used by a voice mail system (see column 2, lines 31-37) in interacting with a user based on information provided by the user in a communication between the voice mail system and the user comprising:

an application module (see 201 on FIG. 2) [The voice messaging system is the application module];

a management module (see 202 on FIG. 2) [The PBX is the management module];

a media module interconnected to the application module and the management module (see 104 on FIG. 2) [The communications network is the media module];

a storage medium connected to the media module, the management module, and the application module (see 407 on FIG. 4) [The digital storage system is the storage medium];

means for creating a plurality of set of recorded messages according to distinct personalities for interacting with the voice mail system (see column 6, lines 21-31) [The steps of creating personalized messages]; and

means for selecting a recorded message from the plurality of set of recorded messages based on interactive inquiries between the user and the voice mail system (see column 7, lines 5-14) [The steps of retrieving personalized messages].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3, 4, 6, 8, 12-14 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Mark U. S. Patent No. 5,825,871.

Regarding **claim 3**, Brunson as applied to **claim 2** above differs from **claim 3** in that Brunson did not disclose modifying the speed, dialect, or pitch of the selected recorded message.

However, Mark teaches a method, wherein the personalizing step comprises modifying the speed, dialect, or pitch of the selected recorded message (see column 51, lines 31-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding the modification of the speed, dialect, or pitch of the selected recorded message as taught by Mark.

The modification will allow the system to modify the speed, dialect, or pitch of the selected recorded message such that the system would extract the data related.

Regarding **claim 4**, Brunson as applied to **claim 1** above differs from **claim 4** in that Brunson did not disclose creating a set of recorded messages corresponding to the user's own voice and speech patterns using voice recognition.

However, Mark teaches a method, wherein the creating step comprises automatically creating a set of recorded messages corresponding to the user's own voice and speech patterns using voice recognition (see column 48, lines 57-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding the creation of a set of recorded messages corresponding to the user's own voice and speech patterns using voice recognition as taught by Mark.

The modification will allow the system to create a set of recorded messages corresponding to the user's own voice and speech patterns using voice recognition such that the system would operate in conjunction with the speech recognition.

Regarding **claim 6**, Brunson as applied to **claim 5** above differs from **claim 6** in that Brunson did not disclose playing back to the user a confirmation message using the same personality as the selected message.

However, Mark teaches a method, further comprising the step of confirming the selected recorded message by playing back to the user a confirmation message using the same personality as the selected message (see column 52, lines 64-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding the playback to the user of a confirmation message using the same personality as the selected message as taught by Mark.

The modification will allow the system to play back to the user a confirmation message using the same personality as the selected message such that the system would provide a telephone confirmation.

Regarding **claim 8**, Brunson as applied to **claim 1** above differs from **claim 8** in that Brunson did not disclose selecting a pre-determined recorded message based on identification of the user.

However, Mark teaches a method, wherein the selecting step comprises selecting a pre-determined recorded message based on identification of the user by voice recognition (see column 37, lines 63-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding the selection of a pre-determined recorded message based on identification of the user as taught by Mark.

The modification will allow the system to select a pre-determined recorded message based on identification of the user such that the information would be associated with the authorized user.

Regarding **claim 12**, Brunson as applied to **claim 1** above differs from **claim 12** in that Brunson did not disclose the selecting steps.

However, Mark teaches a method, wherein the selecting step comprises:

- searching a database having entries for associations between voice patterns of users identified by a voice recognition system and calling numbers according to ANI information to find a match for a calling number (see column 38, lines 55-60);
- searching the database to find a match for the user's voice pattern associated with a matched calling number (see column 39, lines 40-44);
- seeking confirmation from the user for a matched voice pattern using a previously selected personality (see column 52, lines 64-67); and
- selecting a pre-determined recorded message based on the matched voice pattern (see column 38, lines 3-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding the selecting step as taught by Mark.

The modification will allow the system to include the selecting step such that the voice recognition requirements would be reduced.

Regarding **claim 13**, Brunson and Mark as applied to **claim 12** above differ from **claim 13** in that they did not disclose adding a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found.

However, Mark teaches a method, further comprising the step of adding a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found (see column 39, lines 49-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson and Mark by further adding a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found.

The modification will allow the system to add a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found such that the user would be allowed to program the system.

Regarding **claim 14**, Brunson as applied to **claim 1** above differs from **claim 14** in that Brunson did not disclose sets of recorded messages used for system prompts to the user.

However, Mark teaches a method, wherein the plurality of sets of recorded messages are used for system prompts to the user (see column 45, lines 12-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding sets of recorded messages used for system prompts to the user as taught by Mark.

The modification will allow the system to have sets of recorded messages are used for system prompts to the user such that the system would determine which restricted- access facility the user wants to contact.

Regarding **claim 28**, Brunson as applied to **claim 26** above differs from **claim 28**

Brunson teaches an apparatus, wherein the means for selecting comprises of:

means for playing a sample introduction from a plurality of the sets of recorded message while waiting for a selection entry from the user (see column 5, lines 62-66);

means for affecting a recorded message responsive to the selection entry made by the user (see column 5, line 66 to column 6, line 3);

means for affecting a recorded message based on a previous selection if no selection entry is made by the user (see column 6, lines 14-20).

Brunson did not disclose playing back to the user a confirmation message using the same personality as the selected message.

However, Mark teaches the means for confirming the selected recorded message by playing back to the user a confirmation message using the same personality as the selected message (see column 52, lines 64-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding the playback to the user of a confirmation message using the same personality as the selected message as taught by Mark.

The modification will allow the system to playing back to the user a confirmation message using the same personality as the selected message such that the system would provide a telephone confirmation.

Regarding **claim 31**, Brunson as applied to **claim 26** above differs from **claim 31** in that Brunson did not disclose the selecting means.

However, Mark teaches an apparatus, wherein the selecting means comprises of:

means for searching a database having entries for associations between voice patterns of users identified by a voice recognition system and calling numbers according to ANI information to find a match for a calling number (see column 38, lines 55-60);

means for searching the database to find a match for the user's voice pattern associated with a matched calling number (see column 39, lines 40-44);

means for seeking confirmation from the user for a matched voice pattern using a previously selected personality (see column 52, lines 64-67);

means for selecting a pre-determined recorded message based on the matched voice pattern (see column 38, lines 3-9); and

means for adding a new entry in the database for the user associating the calling number with the user's voice pattern if no match is found (see column 39, lines 49-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding the selecting means as taught by Mark.

The modification will allow the system to include the selecting step such that the voice recognition requirements would be reduced.

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Boyce et al. U. S. Patent No. 6,101,241 (hereinafter Boyce).

Brunson as applied to **claim 1** above differs from **claim 7** in that Brunson did not disclose conducting an interview with the user to determine an appropriate selection based on responses given by the user.

However, Boyce teaches a method, wherein the selecting step comprises conducting an interview with the user to determine an appropriate selection based on responses given by the user (see column 3, lines 49-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson by adding conducting an interview with the user to determine an appropriate selection based on responses given by the user as taught by Boyce.

The modification will allow the system to conduct an interview with the user to determine an appropriate selection based on responses given by the user such that the system would state all the drugs taking by the user.

6. **Claims 15, 18-20, 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Mark and in further view of Tatchell et al. U. S. Patent No. 5,905,774 (hereinafter Tatchell).

Regarding **claim 15**, Brunson and Mark as applied to **claim 14** above differ from **claim 15** in that they did not disclose according to the user's competence in interacting with the system.

However, Tatchell teaches a method, wherein the interactive inquiries between the user and the voice mail system is determined by the system according to the user's competence in interacting with the system (see column 10, lines 53-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson and Mark by further adding the system according to the user's competence in interacting with the system as taught by Tatchell.

The modification will allow the system to accord to the user's competence in interacting with the system such that the audio response module would provide the prerecorded responses.

Regarding **claim 22**, Brunson, Mark and Tatchell as applied to **claim 15** above differ from **claim 22** in that they did not disclose making system-wide changes in level of messages for a particular user.

However, Mark teaches a method, wherein the plurality of sets of recorded messages are used for making system-wide changes in level of messages for a particular user (see column 42, lines 28-32).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark and Tatchell by further adding making system-wide changes in level of messages for a particular user.

The modification will allow the system to make system-wide changes in level of messages for a particular user such that the system would insert meaningless data in the data stream.

Regarding **claim 23**, Brunson, Mark and Tatchell as applied to **claim 15** above differ from **claim 23** in that they did not disclose changing the system prompts at a local point in the system.

However, Mark teaches a method, wherein the plurality of sets of recorded messages are used for changing the system prompts at a local point in the system (see column 59, lines 31-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark and Tatchell by further adding changing the system prompts at a local point in the system.

The modification will allow the system to change the system prompts at a local point in the system such that the system would accept the call to one of the service provider.

7. **Claims 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Mark, in view of Tatchell and in further view of Pfeiffer et al. U. S. Patent No. 4,785,473 (hereinafter Pfeiffer).

Regarding **claim 16**, Brunson, Mark and Tatchell as applied to **claim 15** above differ from **claim 16** in that they did not disclose sets of recorded messages differ in length and speed.

However, Pfeiffer teaches a method, wherein the plurality of sets of recorded messages differ in length and speed (see column 9, lines 52-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark and Tatchell by further adding sets of recorded messages differ in length and speed as taught by Pfeiffer.

The modification will allow the system to sets of recorded messages differ in length and speed such that the voice message segment would have a shorter length.

Regarding **claim 17**, Brunson, Mark and Tatchell as applied to **claim 15** above differ from **claim 17** in that they did not disclose a plurality of detection criteria monitored by the system.

However, Pfeiffer teaches a method, wherein the user's competence is determined by a plurality of detection criteria monitored by the system (see column 4, lines 57-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark and Tatchell by further adding a plurality of detection criteria monitored by the system as taught by Pfeiffer.

The modification will allow the system to have a plurality of detection criteria monitored by the system such that the commands would identify a user.

Regarding **claim 18**, Brunson, Mark, Tatchell and Pfeiffer as applied to **claim 17** above differ from **claim 18** in that they did not disclose the frequency at which the user reaches a particular point in the system.

However, Tatchell teaches a method, wherein a detection criterion is the frequency at which the user reaches a particular point in the system (see column 12, lines 1-4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark, Tatchell and Pfeiffer by further adding the frequency at which the user reaches a particular point in the system.

The modification will allow the system to detect criterion in the frequency at which the user reaches a particular point in the system such that the predetermined response would be provided to the user.

Regarding **claim 19**, Brunson, Mark, Tatchell and Pfeiffer as applied to **claim 17** above differ from **claim 19** in that they did not disclose the errors made by the user.

However, Mark teaches a method, wherein a detection criterion is the errors made by the user (see column 49, lines 45-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark, Tatchell and Pfeiffer by further adding the errors made by the user.

The modification will allow the system to detect criterion in the errors made by the user such that the unauthorized user would make the system unattractive.

Regarding **claim 20**, Brunson, Mark, Tatchell and Pfeiffer as applied to **claim 17** above differ from **claim 20** in that they did not disclose the long pauses of the system without user response.

However, Mark teaches a method, wherein a detection criterion is the long pauses of the system without user response at the same point in the system on consecutive calls (see column 29, lines 4-12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark, Tatchell and Pfeiffer by further adding the long pauses of the system without user response.

The modification will allow the system to detect criterion the long pauses of the system without user response such that the detectors would accept a silence period.

8. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Mark, in view of Tatchell, in view of Pfeiffer and in further view of Pepper et al. U. S. Patent No. 5,930,700 (hereinafter Pepper).

Brunson, Mark, Tatchell and Pfeiffer as applied to **claim 17** above differ from **claim 21** in that they did not disclose how quickly the user halts a message with a selection.

However, Pepper teaches a method, wherein a detection criterion is how quickly the user halts a message with a selection (see column 8, line 60 to column 9, line 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brunson, Mark, Tatchell and Pfeiffer by further adding how quickly the user halts a message with a selection.

The modification will allow the system to detect criterion of how quickly the user halts a message with a selection such that pressing the appropriate button would mark the message.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McAllister et al. is cited for a phonetic voice activating dialing (see FIG. 1).

Finnigan is cited for a telephonic voice message transmission control method (see FIG.1).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

*Gerald Gauthier*  
g.g.  
March 5, 2002

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